



REPLY TO  
ATTENTION OF:

CERE-RP (405)

7 July 1993

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Authorization for Benefits-Homeowners Assistance Program (HAP) - Policy Memorandum 93-4

1. The law authorizing HAP specifies benefits may be paid to the owners of eligible properties. In Chapter 7, Section III, paragraph 7-9e(2), we further define owner as one who holds..."fee simple title or has a contract to purchase in fee simple a residential dwelling."
2. We further allow for consideration of ownership without regard to technical form or description..."provided that, consistent with local practices and procedures, applicant can be shown substantially to have the rights and duties of a person with an ownership interest in the property."
3. Each District seems to have a wide variety of circumstances of "ownership" among our applicants. Some situations can get very confusing and complicated with applicants "owning" property with any number of people. These forms of ownership are further complicated when we begin to make payments for benefits, federal income tax, FICA, etc.
4. While we attempt to logically allow as many people benefits as possible in our interpretation of the law, it is necessary to simplify the eligibility requirements for multiple ownerships.
5. Accordingly, for multiple ownership HAP policy is as follows:
  - a. Spousal ownership is allowed, where either the applicant or a spouse is the fee simple owner of the property.
  - b. Where the applicant has an interest in the ownership, in order to receive benefits, the remaining owners must deed over their interest to the applicant before any benefits are paid. This will enable us to pay the applicant and make any other payments for taxes in the name of the applicant. The distribution of benefits will be the responsibility of the applicant.


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c. In no case will any benefits be paid to non-eligible persons. Chapter 7, Section I, paragraph 7-2 defines eligibility.

FOR THE DIRECTOR:

  
DON C. CHAPMAN  
Chief, Realty Services  
Division  
Directorate of Real Estate

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COMMANDER

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